



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, NY 10007

May 15, 2020

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
40 Foley Square
New York, NY 10007

Re: *Reclaim the Records, et al. v. U.S. Department of Veterans Affairs*, 18 Civ. 8449 (PAE)

Dear Judge Engelmayer:

This Office represents the United States Department of Veterans Affairs (the “VA”) in this Freedom of Information Act (“FOIA”) case. We write pursuant to this Court’s Order, which instructed the parties to file a joint letter “with regard to the inclusion / withholding of veterans’ names . . . indicating either that there is no disagreement on this point or, if necessary, briefly setting forth the parties’ respective views.” Dkt. No. 43.

We respectfully inform the Court that there is no disagreement between the parties on this issue. Plaintiffs agree that they did not seek names stored in the Beneficiary Identification Records Locator Subsystem (“BIRLS”) Death File as part of their FOIA request. Accordingly, Plaintiffs do not challenge the exclusion of such names from prior VA productions. Plaintiffs further agree that any future production by the VA of records from the BIRLS database pursuant to this Court’s Opinion and Order, Dkt. No. 39, or otherwise, need not include the names of veterans. The parties respectfully request that the Court so-order this stipulation.

We also write regarding one other issue. This Court has ordered the VA to produce “2010-Present” data from the BIRLS database by April 1, 2022. *See* Dkt. No. 39 at 24-25. The parties have begun met and confer discussions regarding the specific cut-off date to be used by the VA. The parties propose that they be required to provide a status update on this issue by June 15, 2020, in which the parties would include a proposed stipulation or inform the Court of whether there is any disagreement on this point.

We thank the Court for its consideration of this submission.

Respectfully,

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cc: Counsel of record (via ECF)

The Court thanks the parties for their letter and their consistent collegiality in resolving issues related to this matter. This memo endorsement serves to so-order the parties' agreement, as specified on page 1 of their letter, as to the production of veterans' names as part of the FOIA request. The Court stands ready to endorse a stand-alone stipulation if the parties feel that is necessary.

As to the specific cut-off date of the 2010-Present data to be produced by the VA, the Court adopts the parties' suggestion and requests a joint status update on this point by June 15, 2020.
SO ORDERED.



PAUL A. ENGELMAYER 5/18/2020
United States District Judge